

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Criminal No. 5:04-CR-356-F  
Civil No. 5:10-CV-445-F

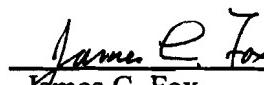
MARVIN WILBERT POWELL )  
Petitioner, )  
                        )  
v.                     )  
                        )  
UNITED STATES OF AMERICA, )  
Respondent.             )

O R D E R

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED.

This the 20<sup>th</sup> day of October , 2010.

  
\_\_\_\_\_  
James C. Fox  
Senior United States District Judge